



TECHNICAL SERVICES LAW LIBRARIAN

Volume 36 No. 2
December 2010

<http://www.aallnet.org/sis/tssis/tsll/>

ISSN: 0195-4857

INSIDE:

From the Officers

OBS-SIS.....	4
TS-SIS.....	3

Announcements

Renee D. Chapman Memorial....	5
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Articles

Legal Scholarship in the Digital	1
Library Services in the Cloud ..	13

Columns

Acquisitions	6
Classification.....	6
Collection Development	7
Description & Entry.....	9
The Internet.....	11
Management.....	15
OCLC.....	17
Preservation.....	17
Research & Publications.....	18
Serials Issues.....	19
Serials Titles.....	20
Subject Headings	21
TechScans	22

Legal Scholarship in the Digital Domain: A Technical Roadmap for implementing the Durham Statement

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Introduction

The stated objective of the Durham Statement on Open Access to Legal Scholarship¹ is to “*improve the dissemination of legal scholarly information... making the legal scholarship they publish available in stable, open, digital formats in place of print.*” To accomplish this, the ten law library directors who authored the statement propose that “*law schools should commit to making agreed-upon stable, open, digital formats, rather than print, the preferable formats for legal scholarship.*”

Though many law libraries are heeding the call to open access for legal scholarship, currently there is no formal technical strategy for accomplishing the objectives set forth in the Durham Statement. Initial efforts appear to be focused on choosing an appropriate platform, as evidenced by the most recent “Implementing the Durham Statement” conference sponsored by Duke Law School in October.² Beyond these discussions, however, no tangible guidelines for implementing the Durham Statement have come forth. It would be helpful for law libraries with an interest in moving their legal scholarship into the digital domain to have guidance in areas such as designing a sustainable metadata schema, or developing a stable technological infrastructure that will support digital platforms, or creating effective strategies for technical services staff workflows. Without a plan in place, implementing the Durham Statement will be a challenge for any library wishing to move forward.

Background

Realizing the importance of preserving and providing permanent access to legal scholarship, many law libraries have gone ahead with the digital archiving/e-publishing process, particularly for their law reviews. Until the fall of 2008, the S.J. Quinney College of Law at the University of Utah had been publishing its three law journals exclusively in print form. A look at the costs associated with print subscriptions revealed that printing costs and administrative overhead were exceeding revenues by approximately \$30,000 per year. In light of these

Continued on page 28

*A Publication of the Technical Services Special Interest Section and the
Online Bibliographic Services Special Interest Section of the American Association of Law Libraries*

Continued from page 1

findings, the Quinney Law Library considered an electronic subscription service and digital preservation plan as a more viable option for publishing journals.

In autumn 2008, the law library, in partnership with the Utah Law Review Society, digitized the *Utah Law Review* from its inaugural volume in 1949 to the present. Over 200 issues were digitized and metadata applied in-house by staff in the technical services and interlibrary loan departments. The project took approximately fourteen months to complete. The Quinney College of Law electronic archive can be viewed at <http://content.lib.utah.edu/cdm4/browse.php?CISOROOT=%2Futlawrev>, and the most recent journal issues can be viewed through the e-publishing service at <http://epubs.utah.edu/>.

Choosing a Digital Platform

When the library began this project, evaluating platforms was the first order of business. We evaluated several digital asset management systems, looking particularly at their ability to support the technological requirements of both a digital archive as well as an e-publishing service for current content. We discovered that none of the platforms we looked at were able to adequately meet preservation and current content publishing needs simultaneously.

Based on extensive experience with the main campus library's (Marriott Library) instance of CONTENTdm, the law library decided to use this platform for the preservation piece. As the backbone of the Mountain West Digital Library.³ A project (<http://www.mwdl.org/>) that hosts over a million digital objects and whose technological infrastructure has remained stable for over ten years, CONTENTdm is demonstrably one of the most effective digital preservation systems used on campus. But although CONTENTdm is an excellent platform for archiving digital objects, it does not support the subscription-based features and social networking tools required for electronic publishing of current content.

The Law Library chose Open Journal Systems (OJS), an open source electronic publishing system (<http://pkp.sfu.ca/?q=ojs>) developed by the Public Knowledge Project (PKP), as the best platform for the e-publishing service, as it contained all of the elements we needed and was already being hosted at the Marriott Library. Marriott was also generous enough to provide us with access to a part-time OJS administrator to help us with the initial set up.

Technical work – Digitization and Metadata

For the CONTENTdm archive, paper-based journal issues were digitized on an HP Scanjet 7800, which cost less than \$1,000. Because material had to be scanned through a feeder, each issue's spine was removed with an electronic paper cutter. Once the spines were removed, issues were scanned at 600 dpi in black and white text, and assembled as multiple page PDFs in Adobe Acrobat Professional software. PDF's were then uploaded to CONTENTdm where Optical Character Recognition (OCR) was performed and metadata applied to the digital objects. Born-digital objects were simply uploaded to the database in their current form.

Metadata work in CONTENTdm was guided by best practices guidelines for digital imaging and metadata cataloging from the Bibliographic Center for Research's *CDP Digital Imaging Best Practices Version 2.0* (<http://www.bcr.org/dps/cdp/best/digital-imaging-bp.pdf>). The metadata template itself was adapted from the *Mountain West Digital Library Dublin Core Application Profile* (http://www.mwdl.org/public/mwdl/MWDL_DC_Profile_Version_1.1.pdf). Metadata cataloging was assigned to three technical services staff members and one part-time interlibrary loan staff member. Each cataloger received the CONTENTdm Project Client, which was installed and configured for their work stations. Brief training sessions on the Project Client and metadata standards were provided to staff on an individual basis. Considering this work was an addition to an already heavy workload in technical services, it was understood that the staff would work on metadata as time permitted. Training requirements were minimal, as the system is fairly intuitive. The staff seemed to adapt to technological workflows rather quickly.

In processing documents for the OJS e-publishing service, we were fortunate to have the expertise of our law review subscriptions manager/editor, who developed the issues and uploaded law review articles to OJS. The process of setting up OJS and managing the system could be the topic of another article, but generally the setup and implementation process was relatively straightforward. OJS was fully functional out of the box. The only customization we made was to select a template theme, which OJS supplied. Training for our subscriptions manager/editor took less than an hour. The first law review issue was developed in an afternoon.

Implementations

The CONTENTdm *Utah Law Review* archive is now complete. Issues from 1949-2010 are available for reading or downloading as high resolution PDFs. We will continue to upload current born-digital copies of the law review as they become available. In addition, we have now digitized and cataloged two other college journals including the *Journal of*

Land, Resources, & Environmental Law (JLREL) and the *Journal of Law & Family Studies (JLFS)*. We have also added a number of faculty publications and have recently added the college newsletter, *Res Gestae* to the collection.

By the spring of 2009, the OJS e-publishing service hosted three complete issues of the *Utah Law Review*. Within the past year and a half, we have also launched *JLREL* and *JLFS*. According to OJS system reports, each journal is currently supporting hundreds of registered users and several articles in the system have view counts in the thousands.

Conclusion

Publishing law reviews in *stable, open, digital formats* need not be cost-prohibitive, nor does it need to monopolize the time of technical services staff. The most basic scanning equipment can produce archival quality images at a very low cost. Metadata work, though somewhat time-intensive, can be done incrementally during slower periods in the work day. Effective implementation of digital initiatives in law libraries is crucial, as roles in technical services change and exciting opportunities in the digital domain emerge and become integrated in the technical services workflow.

We will continue to maintain these collections and to work closely with the Marriott Library, as the hosting service of our archival and e-publishing platforms, to provide a stable and open environment for these materials. We also have an interest in working with other law school libraries to develop a standardized model that can be applied across institutions for developing electronic archival collections. Working together, law libraries can share resources and reduce the cost of development while preserving their intellectual assets for future generations.

¹ On 7 November 2008, the directors of the law libraries at the University of Chicago, Columbia University, Cornell University, Duke University, Georgetown University, Harvard University, New York University, Northwestern University, the University of Pennsylvania, Stanford University, the University of Texas, and Yale University met in Durham, North Carolina at the Duke Law School. That meeting resulted in the “Durham Statement on Open Access to Legal Scholarship,” which calls for all law schools to stop publishing their journals in print format and to rely instead on electronic publication coupled with a commitment to keep the electronic versions available in stable, open, digital formats. For more information visit the website at <http://cyber.law.harvard.edu/publications/durhamstatement>.

² This workshop was webcast live on Duke University’s Ustream channel and the Law School home page. The workshop was co-sponsored by Duke Law School’s J. Michael Goodson Law Library, the Duke Law School Center for the Study of the Public Domain (<http://www.law.duke.edu/cspd/>), and the Harvard Law School Library. Michelle Pearse, Librarian for Open Access Initiatives and Scholarly Communication at Harvard, and Richard Danner, Rufty Research Professor of Law and Senior Associate Dean for Information Services at Duke, organized the event.

³ The Mountain West Digital Library is a central search portal for digital collections about the Mountain West region. We provide free access to 300,000 resources in over 350 collections from universities, colleges, public libraries, museums, archives, and historical societies in Utah, Nevada, and other parts of the U.S. West. See <http://www.mwdl.org/index.php/about> for more information about the digital library.

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Technical Services Law Librarian (ISSN 0195-4857) is an official publication of the Technical Services Special Interest Section and the Online Bibliographic Services Special Interest Section of the American Association of Law Libraries. It carries reports or summaries of AALL annual meeting events and other programs of OBS-SIS and TS-SIS, acts as the vehicle of communication for SIS committee activities, awards, and announcements, as well as current awareness and short implementation reports. It also publishes regular columns and special articles on a variety of topics related to technical services law librarianship.

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Publication Schedule

Issues are published quarterly in March, June, September, and December.

Deadlines (each vol/year):

no. 1 (September)..... August 21st
no. 2 (December)November 21st
no. 3 (March) February 21st
no. 4 (June)..... May 21st